

STAFF REPORT
December 8, 2011

No. 11SV021 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of the access easement from 59 feet to 26 feet as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 5

GENERAL INFORMATION:

APPLICANT	Arleth & Associates
PROPERTY OWNER	Midland Atlantic Development Co.
REQUEST	No. 11SV021 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of the access easement from 59 feet to 26 feet as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 4 and 5 of Block 2 of Rushmore Crossing and the north 1/2 of vacated Sunnyside Avenue, the east 1/2 vacated Riley Avenue and the vacated portion of Cambell Street adjacent to said Lot 5 located in the W1/2 SW1/4 of Section 29 and the E1/2 SE1/4 of Section 30 all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 4A and 5A of Block 2 of Rushmore Crossing
PARCEL ACREAGE	Approximately 20.82 acres
LOCATION	South of Eglin Street and east of Luna Drive
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	General Commercial District (Planned Commercial Development)
East:	General Commercial District (Planned Commercial Development)
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water

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DATE OF APPLICATION 11/10/2011

REVIEWED BY Vicki L. Fisher / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of the access easement from 59 feet to 26 feet as per Chapter 16.16 of the Rapid City Municipal Code be approved.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easements that extend through the property and to reduce the width of the access easements from 59 feet to 26 feet. In addition, the applicant has submitted a Preliminary Plat (File #11PL062) to reconfigure two lots by moving the common lot line between the lots approximately 42 feet to the west. The lots will be known as Lots 4A and 5A, Block 2 of Rushmore Crossing Subdivision.

The property is located south of Eglin Street and east of Luna Avenue. Currently, proposed Lot 4A is void of any structural development. A commercial building with parking is located on proposed Lot 5A.

STAFF REVIEW:

Staff has reviewed the Variance to the Subdivision Regulations and has noted the following considerations:

Access Easements: The Preliminary Plat identifies access easements extending through the lots to provide internal access between the properties. The access easements are classified as commercial streets requiring that they be located within a minimum 59 foot wide easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The access easements are 26 feet in width and constructed with a 26 foot wide paved surface.

An east-west pedestrian walkway and a north-south pedestrian walkway have been constructed within the development. In addition, lighting has been provided within the parking lot(s) and utilities are in place to serve the existing development and any future development on the property. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of the access easement(s) from 59 feet to 26 feet as they extend through the property be approved.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the December 8, 2011 Planning

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Commission meeting if this requirement has not been met.